

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY
OF HOMELAND SECURITY TO TRANSMIT CERTAIN DOC-
UMENTS TO THE HOUSE OF REPRESENTATIVES RELAT-
ING TO THE IMPACT OF ILLEGAL IMMIGRATION ON
FEDERAL OR TRIBAL LANDS

SEPTEMBER 22, 2022.—Referred to the House Calendar and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

ADVERSE REPORT

together with

MINORITY VIEWS

[To accompany H. Res. 1250]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 1250) of inquiry directing the Secretary of Homeland Security to transmit certain documents to the House of Representatives relating to the impact of illegal immigration on Federal or Tribal lands, having considered the same, reports unfavorably thereon with an amendment and recommends that the resolution not be agreed to.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for the Legislation	3
Hearings	3
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	6
Committee Estimate of Budgetary Effects	6
New Budget Authority and Congressional Budget Office Cost Estimate	6
Duplication of Federal Programs	6
Performance Goals and Objectives	6
Advisory on Earmarks	6
Section-by-Section Analysis	6
Minority Views	7

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the Secretary of Homeland Security is directed to transmit, to the House of Representatives, not later than fourteen days after the date of the adoption of this resolution, copies of any document, memorandum, correspondence, and other communication, or any portion of any such communication, that refers or relates to impact of illegal immigration on Federal or Tribal lands, including the following:

- (1) All documents and communications related to the current level of environmental damage to Federal protected and Tribal lands along the southern border, including—
 - (A) any reference to an accumulation of garbage;
 - (B) any reference to habitat destruction;
 - (C) any reference to wildlife deaths; and
 - (D) any reference to the creation of illegal trails.
- (2) All documents and communications referring or relating to coordinating garbage removal efforts along the southern border.
- (3) All documents and communications referring to the transport of illicit drugs across Federal or Tribal lands, including but not limited to—
 - (A) any reference to Tribal concerns about drug trafficking;
 - (B) any reference to Department of Homeland Security employees' concerns about drug trafficking on Federal lands; and
 - (C) any reference to reports of drug cartels crossing Federal or Tribal lands.
- (4) Any meeting or communication that occurred between Secretary Alejandro Mayorkas, or his representative, with a Tribal representative referring or relating to drug cartel activity on Tribal lands.
- (5) Any meeting or communication that occurred between Secretary Alejandro Mayorkas and Secretary Debra Haaland, or their representatives, referring or relating to drug cartel activity on Federal or Tribal lands.

Purpose and Summary

H. Res. 1250 is a resolution of inquiry directing the Secretary of Homeland Security to transmit certain documents to the House of Representatives relating to the impact of illegal immigration on federal or tribal lands.

Representative Blake Moore (R-UT) introduced the resolution on July 22, 2022, and it currently has no cosponsors.

H. Res. 1250 directs the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of the resolution, copies of any document, memorandum, correspondence, and other communication or any portion of any such communication, that refers or relates to the impact of illegal immigration on Federal or Tribal lands, including the following:

- (1) All documents and communications related to the current level of environmental damage to Federal protected and Tribal lands along the Southern border, including but not limited to—
 - (A) any reference to the accumulation of garbage;
 - (B) any reference to habitat destruction;
 - (C) any reference to wildlife deaths; and
 - (D) any reference to the creation of illegal trails.
- (2) All documents and communications referring or relating to coordinating garbage removal efforts along the Southern border.
- (3) All documents and communications referring to the transport of illicit drugs across federal or tribal lands, including but not limited to—
 - (A) any reference to tribal concerns about drug trafficking;
 - (B) any reference to Department of Homeland Security employees' concerns about drug trafficking on federal lands; and

(C) any reference to reports of drug cartels crossing Federal or Tribal lands.

(4) Any meeting or communication that occurred between Secretary Alejandro Mayorkas, or his representative, with Tribal representatives referring or relating to drug cartel activity on Tribal lands.

(5) Any meeting or communication that occurred between Secretary Mayorkas and Secretary Debra Haaland, or their representatives, referring or relating to drug cartel activity on Federal or Tribal lands.

Background and Need for the Legislation

I. BACKGROUND ON RESOLUTIONS OF INQUIRY

Under the rules and precedents of the House, a resolution of inquiry is used to obtain information from the executive branch. A resolution of inquiry is directed at the President of the United States or the head of a Cabinet-level agency, requesting facts within the control of the executive branch.¹ As a “simple resolution,” designated by “H. Res.,” a resolution of inquiry does not carry the force of law. “Compliance by the executive branch with the House’s request is voluntary, resting largely on a sense of comity between co-equal branches of government and a recognition of the necessity for Congress to be well-informed as it legislates.”²

House Rules afford resolutions of inquiry a privileged parliamentary status. A Member files a resolution of inquiry like any other legislation. The resolution is then referred to the proper committee of jurisdiction and the committee may: (1) report the resolution either favorably or unfavorably; or (2) choose not to report the resolution. If the committee does not report the resolution to the House within 14 legislative days of its introduction, however, a motion to discharge the resolution from committee can be made on the House floor.³

II. NEED FOR THE LEGISLATION

This resolution is unnecessary. The Minority has had no problem obtaining briefings or information on this issue. On April 28, 2022, the Secretary of Homeland Security testified before the House Judiciary Committee and the Minority had an opportunity to inquire about and request documents relating to the impact of illegal immigration on federal or tribal lands. The Minority can also request this information from the Department of Interior’s Congressional Liaison Office, which is the normal and appropriate route for these types of requests.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the Committee on the Judiciary held no hearings on H. Res. 1250.

¹ Christopher M. Davis, *Resolutions of Inquiry: An Analysis of Their Use in the House, 1947–2011*, CONG. RES. SERV. R40879 (May 15, 2012).

²*Id.* at 2.

³ House Rule XIII, clause 7.

Committee Consideration

On September 14, 2022, the Committee met in open session and ordered the resolution, H. Res. 1250, unfavorably reported with an amendment in the nature of a substitute, by a rollcall vote of 20 to 17, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following rollcall votes occurred during the Committee's consideration of H. Res. 1250:

1. A motion to unfavorably report H. Res. 1250, as amended, was agreed to by a rollcall vote of 20 to 17. The vote was as follows:

Roll Call No. 6

Date: 9/14/22

COMMITTEE ON THE JUDICIARY
House of Representatives
117th Congress

Subject: *Motion to report H. Res. 1250 unfavorably to the House*

PASSED
 FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)			
Hank Johnson (GA-04)	✓		
Ted Deutch (FL-22)	✓		
Karen Bass (CA-37)	✓		
Hakeem Jeffries (NY-08)	✓		
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)			
Pramila Jayapal (WA-07)			
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)	✓		
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Veronica Escobar (TX-16)	✓		
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)	✓		
Cori Bush (MO-01)	✓		
	AYES	NOS	PRES.
Jim Jordan (OH-04)		✓	
Steve Chabot (OH-01)		✓	
Louie Gohmert (TX-01)		✓	
Darrell Issa (CA-50)		✓	
Ken Buck (CO-04)		✓	
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)		✓	
Andy Biggs (AZ-05)		✓	
Tom McClintock (CA-04)		✓	
Greg Steube (FL-17)		✓	
Tom Tiffany (WI-07)		✓	
Thomas Massie (KY-04)		✓	
Chip Roy (TX-21)			
Dan Bishop (NC-09)		✓	
Michelle Fischbach (MN-07)		✓	
Victoria Spartz (IN-05)		✓	
Scott Fitzgerald (WI-05)		✓	
Cliff Bentz (OR-02)		✓	
Burgess Owens (UT-04)		✓	
	AYES	NOS	PRES.
TOTAL	20	17	

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this resolution.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H. Res. 1250 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H. Res. 1250 requests certain documents from the Secretary of Homeland Security relating to the impact of illegal immigration on federal or tribal lands.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H. Res. 1250 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House rule XXI.

Section-by-Section Analysis

The following discussion describes the resolution as reported by the Committee.

H. Res. 1250 directs the Secretary Homeland Security to transmit to the House of Representatives, not later than fourteen days after the date of the adoption of the resolution, copies of any document, memorandum, correspondence, and other communication or any portion of any such communication, that refers or relates to the impact of illegal immigration on Federal or Tribal lands, including the following:

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 - (C) any reference to wildlife deaths; and
 - (D) any reference to the creation of illegal trails.
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- (A) any reference to tribal concerns about drug trafficking;
 - (B) any reference to Department of Homeland Security employees' concerns about drug trafficking on federal lands; and
 - (C) any reference to reports of drug cartels crossing Federal or Tribal lands.
- (4) Any meeting or communication that occurred between Secretary Alejandro Mayorkas, or his representative, with Tribal representatives referring or relating to drug cartel activity on Tribal lands.
- (5) Any meeting or communication that occurred between Secretary Alejandro Mayorkas and Secretary Debra Haaland, or their representatives, referring or relating to drug cartel activity on Federal or Tribal lands.

Minority Views

H. Res. 1250 directs the Secretary of Homeland Security to provide to Congress documents and communication in his possession that relate to the effects of illegal immigration on federal and tribal land.

Democrats on the House Judiciary Committee continue to ignore the unprecedented crisis on our southwest border. Since President Biden took office, U.S. Customs and Border Protection (CBP) officials have encountered nearly 3.5 million illegal aliens along the southwest border.¹ Nearly one million of those aliens have been released into the U.S. by the Department of Homeland Security (DHS) pursuant to DHS policy.² At the same time, nearly a million illegal alien “gotaways” have successfully crossed the border undetected during the Biden-Harris Administration.³ Press reports also indicate that “nearly 750 migrants have died at the southern border this fiscal year.”⁴ This record number is over 200 more than the number for last fiscal year.⁵

Aliens who cross the southwest border illegally routinely leave large quantities of trash and other refuse on U.S. federal and non-federal lands. The illegal aliens themselves, as well as the trash they leave behind, have detrimental effects on wildlife, vegetation, and the border environment in general.

¹U.S. Customs and Border Protection, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

²*Texas v. Biden*, Case No: 2:21-cv-00067-Z (N.D. Texas) (Brief For America First Legal Foundation As Amicus Curiae In Support of Respondents, Defendants' Monthly Report For March 2022, Defendants' Monthly Report For April 2022).

³Adam Shaw, Bill Melugin, *Migrant Encounters at Southern Border Hit New Record in May, as Numbers Keep Rising*, FOXNEWS (Jun. 16, 2022) <https://www.foxnews.com/politics/migrant-encounters-southern-border-record-may>.

⁴Priscilla Alvarez, *First on CNN: A Record Number of Migrants Have Died Crossing the US-Mexico Border*, CNN (Sept. 7, 2022) <https://www.cnn.com/2022/09/07/politics/us-mexico-border-crossing-deaths/index.html>.

⁵*Id.*

According to the Center for Immigration Studies, the Arizona Department of Environmental Quality “estimates that over 2,000 tons of trash are discarded at the Arizona border every year.”⁶ Recent press reports have also detailed environmental damage from the refuse left by illegal aliens crossing the southwest border. For instance, as Breitbart noted in April of 2022:

Discarded clothing, plastics, shoes, hygiene items, medicines, and identity documents are left behind every step of the trail. The documents found along the trail included Cuban identity documents, shot records, and evidence of medical testing

After emerging from the dense cane, larger mounds of garbage become evident. The litter and clothing get trapped in the recently installed razor wire.⁷

Additionally, the Drug Enforcement Administration has assessed that Mexican drug traffickers remain the most serious drug trafficking threat in America as they continue to control smuggling pathways primarily across the southwest border.⁸ These Mexican drug traffickers are also the main supplier of most illicit drugs available on reservations throughout tribal lands.⁹ Mexican drug traffickers take advantage of the Biden Administration’s weak border policies to not only illegally cross the border, but also traffic poisonous illicit drugs like fentanyl. This dangerous drug trade threatens every American community.

CBP continues to seize massive amounts of illicit drugs. So far in FY 2022, CBP has seized 552,652 pounds of illicit drugs.¹⁰ These drug seizures include fentanyl, heroin, cocaine, methamphetamine, and marijuana.¹¹ Notably, CBP seizures of fentanyl—a synthetic opioid that is 80 to 100 times stronger than morphine—have increased sharply along the southwest border since 2019.¹² In FY 2021, CBP seized over 11,203 pounds of fentanyl, more than twice the weight seized in FY 2020 and more than four times as much as FY 2019.¹³ To date, in FY 2022, CBP has seized a total of 10,558 pounds of fentanyl.¹⁴ The increasing flood of fentanyl across the border is extremely alarming, considering that only two milligrams can be a deadly dose.

Meanwhile, our country’s drug crisis continues to spiral out of control. According to data from the Centers for Disease Control and Prevention, 93,655 fatal drug overdoses occurred in 2020—a nearly 30 percent increase over the prior year.¹⁵ In 2021, fatal drug overdoses increased to over 107,622 deaths, which represents a life

⁶Center for Immigration Studies, *Trash at the Border Highlights the Environmental Cost of Illegal Immigration* (Sept. 19, 2018).

⁷Randy Clark, *Exclusive Video: Tour the Ecological Damage From Mass Migration on Texas Border River*, BREITBART (Apr. 16, 2022), <https://www.breitbart.com/border/2022/04/16/exclusive-video-tour-the-ecological-damage-on-the-texas-bank-of-rio-grande/>.

⁸U.S. Drug Enforcement Administration, *2020 Nat’l. Drug Threat Assessment*, (Mar. 2021).

⁹*Id.* at 79.

¹⁰U.S. Customs and Border Protection, *Drug Seizure Statistics*, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics> (last visited Sept. 9, 2022). Total drug seizures in FYs 2019, 2020, and 2021 were as follows: 902,573 pounds, 1,060,641 pounds, and 914,469 pounds respectively. *Id.*

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴*Id.*

¹⁵U.S. Centers for Disease Control and Prevention, *U.S. Overdose Deaths in 2021 Increased Half as Much as in 2020—But Are Still Up 15%* (May 11, 2022).

lost every five minutes on average.¹⁶ Of those deaths, 71,238 are attributed to synthetic opioids, primarily illicit fentanyl.¹⁷

On September 14, 2022, the Committee considered H. Res. 1250 at a business meeting. Democrats refused acknowledge that illegal immigration has detrimental effects on federal and tribal lands, or that Mexican drug traffickers utilize federal and tribal lands to move illicit drugs into the country. Democrats voted to report H. Res. 1250 unfavorably to the House. We strongly disagree with the Committee's action and believe H. Res. 1250 would help to advance our oversight of federal immigration law.

JIM JORDAN,
Ranking Member.

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¹⁶*Id.*; The White House, Press Release, *Statement from Dr. Rahul Gupta on Tuesday's CDC Overdose Data* (May 11, 2022) ("It is unacceptable that we are losing a life to overdose every five minutes around the clock.") (Statement of Dr. Rahul Gupta).

¹⁷U.S. Centers for Disease Control and Prevention, *U.S. Overdose Deaths in 2021 Increased Half as Much as in 2020—But Are Still Up 15%* (May 11, 2022).